HDP/SB/21 based on PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box -**Application Number** 10/081,166 RANSMITTAL Filing Date 2-22-02 **FORM First Named Inventor** Shon D. Steger et al. fotall correspondence after initial filing) Group Art Unit Unknown **Examiner Name** Unknown Total Number of Pages in This Submission 10 Attorney Docket Number 5490-000127/CPC ENCLOSURES (check all that apply) After Allowance Communication to Assignment Papers Fee Transmittal Form (for an Application) Group Appeal Communication to Board of Fee Attached _ Drawing(s) Appeals and Interferences Appeal Communication to Group Amendment / Response Licensing-related Papers (Appeal Notice, Brief, Reply Brief) Petition After Final Proprietary Information Petition to Convert to a Affidavits/declaration(s) **Provisional Application** Status Letter Power of Attorney, Revocation Other Enclosure(s) Extension of Time Request Change of Correspondence Address (please identify below): Form HDP-1449; and Terminal Disclaimer Express Abandonment Request Acknowledgment Postcard Request for Refund Information Disclosure Statement CD, Number of CD(s) The Commissioner is hereby authorized to charge any Certified Copy of Priority additional fees that may be required under 37 CFR 1.16 or 1.17 Document(s) Remarks to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed. Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Attorney Name Reg. No. Harness, Dickey & Pierce, P.L.C. Michael Malinzak 43,770 Individual name Signature March 25 Date CERTIFICATE OF MAILING/TRANSMISSION I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below. Typed or printed name Michael Malinzak March 25, 2002 Signature Date

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Application No.:

10/081,166

Filing Date:

2-22-02

Applicant:

Shon D. Steger et al.

Group Art Unit:

Unknown

Examiner:

Unknown

Title:

METHOD AND APPARATUS FOR BONE FRACTURE

FIXATION

Attorney Docket:

5490-000127/CPC

Hon. Commissioner of Patents and Trademarks Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. <u>LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION</u>

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

- A. ___ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.
- B. X Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number	U.S. Filing Date
10/047,520	10-29-2001
09/394,287	09-10-1999
09/025,140	02-18-1998

C.____This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. X Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).
B A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):
 See the attached foreign patent office communication from a counterpart foreign application: English translations are provided for: Other:
C The following additional information is provided for the Examiner's

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ___ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No. Filing Date Art Unit

V. THIS IDS IS BEING FILED UNDER

A. X 37 C.F.R. § 1.97(b): (check <u>only</u> one box)

1. X within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

consideration.

2 within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3 before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
4 before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.
B 37 C.F.R. § 1.97(c): (check <u>only</u> one box)
 before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.
1 No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
2 See the certification below. No fee is required.
C 37 C.F.R. § 1.97(d):
 after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.
1 See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)
The undersigned hereby certifies that:
Aeach item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F. R. 1.704(d) below in section VII, if applicable; or

VI.

- B. ____ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
- C. ___Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

- A. ____ A check in the amount of \$180.00 is enclosed for the above-identified fee.
- B. ____ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: March 25, 200

Michael Malinza

Reg. No. 43,770

HARNESS, DICKEY & PIERCE, P.L.C. P.O. Box 828 Bloomfield Hills, Michigan 48303 (248) 641-1600

FORM HDP-1449 (Based of PA)

PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Sheet 1 of 3

ATTORNEY DOCKET No.	SERIAL NO.
5490-000127/CPC	10/081,166
APPLICANT	
Shon D. Steger et al.	
FILING DATE	GROUP
2-22-02	Unknown

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		1,105,105	07-1914	Sherman		
2.		2,489,870	11-1949	Dzus		
3.		2,494,229	01-1950	Collison		
4.		2,631,584	03-1953	Purificato		
5.		3,488,779	01-1970	Christensen		
6.		4,219,015	08-1980	Steinemann		
7.		4,429,690	02-1984	Angelino-Pievani		
8.		4,484,570	11-1984	Sutter et al.		
9.		4,708,132	11-1987	Silvestrini		
10.		4,903,691	02-1990	Heinl		
11.		4,959,065	09-1990	Arnett et al.		
12.		4,973,332	11-1990	Kummer		
13.		5,108,395	04-1992	Laurain		
14.		5,108,399	04-1992	Eitenmuller et al.		
15.		5,129,899	07-1992	Small et al.		
16.		5,147,363	09-1992	Harle		
17.		5,151,103	09-1992	Tepic et al.		
18.		5,180,382	01-1993	Frigg et al.		
19.		5,269,784	12-1993	Mast		
20.		5,303,718	04-1994	Krajicek		
21.		5,358,367	10-1994	Yang		

Examiner:	Date Considered:



FORM HDP-1449 (Based on Form

PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Sheet 2 of 3

ATTORNEY DOCKET NO.	SERIAL NO.		
5490-000127/CPC 10/081,166			
APPLICANT			
Shon D. Steger et al.			
FILING DATE	GROUP		
2-22-02	Unknown		

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		5,372,598	12-1994	Luhr et al.		
23.		5,403,136	04-1995	Mathys		
24.		5,413,577	05-1995	Pollock		
25.		5,474,551	12-1995	Finn et al.		
26.		5,505,731	04-1996	Tornier		
27.		5,520,690	5,520,690 05-1996 Errico et al.			
28.		5,569,247	10-1996	6 Morrison		
29.		5,591,167	01-1997	Laurain et al.		
30.		5,601,553	02-1997	Trebing et al.		
31.		5,601,554	02-1997	Howland et al.		
32.		5,607,428	03-1997	Lin		
33.		5,653,710	08-1997	Harle		
34.		5,676,667	10-1997	7 Hausman		
35.		5,722,976	03-1998	Brown		
36.		6,007,538	12-1999	Levin		

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
1.							

Examiner:		Date Considered:	



FORM HDP-1449 (Based on Form PT)

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(Use several sheets if necessary)

Sheet 3 of 3

ATTORNEY DOCKET No.	SERIAL NO.
5490-000127/CPC	10/081,166
APPLICANT	
Shon D. Steger et al.	
FILING DATE	GROUP
2-22-02	Unknown

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)						
Ref. Desig.	Examiner's Initials					
1.						

Examiner:	Date Considered: